

REMARKS/ ARGUMENTS

Currently claims 1-25 are pending. Claims 7-20 have been cancelled without prejudice. Claims 1, 3, and 24 have been amended to correct typographical errors. Specifically, Claim 1 has been amended to replace the comma in line 2 with a semi-colon, claim 3 has been amended to insert the recitation —in—at line 2, and claim 24 has been amended to replace the recitation “chamber” with the recitation —valve—at line 1. Claim 1 has also been amended to recite “a magnetic actuating mechanism which is actuable to move the outlet valve poppet out of contact with the outlet valve seat,” which amendment is described in Section III below. Claim 21 has been amended to depend from claim 1, and claim 22 has been amended to depend from claim 2.

Applicants have added new claims 64-119. Support for these new claims can be found at various places in the specification. For example, support for claims 64-75 can be found at page 6, lines 1-8, page 11, line 26 through page 12, line 11; support for claims 76-100 can be found at page 7, line 10-25 and page 23, lines 1-23; and support for claims 101-119 can be found at page 8, line 5 through page 9, line 2, page 9, line 27 through page 10, line 2, page 11, line 26 through page 12, line 11, and page 23, lines 1-23.

After entry of the present amendment, claims 1-6 and 21-119 will be pending. Each of these claims read on the elected invention.

I. Objection(s) to the Abstract Have Been Addressed

Applicants submit herewith a new abstract and request that this objection be withdrawn.

II. Objection(s) to the Drawings Have Been Addressed

The Action objects to Figure 15 because reference character “1470” has been used to designate both an aerosol container and another element. Applicants submit that the designation of the other element as “1470” was a typographical error. The other element, a breath sensor system, should have been designated as “1490” not “1470”. Applicants submit herewith a formal drawing correcting this typographical error.

The Action also objects to the drawings because they do not include reference numeral "1490". The correction to Figure 15 above addresses this objection.

In view of the foregoing, Applicants respectfully request that these objections be withdrawn.

III. Claims 1-3, 5, and 23-25 Are Patentable Over Harris

Claims 1-3, 5, 7 (canceled), and 23-25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,061,251 to Harris (Harris).

Applicants respectfully traverse this rejection.

As amended, claim 1 recites a metering valve that comprises:

a valve body defining a metering chamber having an inlet and an outlet;

an inlet valve adapted to be reversibly actuable from an open to a closed position located at the inlet;

an outlet valve adapted to be reversibly actuable from a dispensing to a non-dispensing position located at the outlet, wherein said outlet valve includes an outlet valve seat adapted to be in biasable contact with an outlet valve poppet; and

a magnetic actuating mechanism which is actuable to move the outlet valve poppet out of contact with the outlet valve seat.

Support for this amendment can be found at page 11, line 26, through page 12, line 11, for example. Harris neither discloses nor suggests a metering valve that includes "a magnetic actuating mechanism which is actuable to move the outlet valve poppet out of contact with the outlet valve seat" as recited in amended claim 1. For at least this reason, Applicants respectfully submit that claim 1 is patentable over Harris. Claims 2, 3, 5, and 23-25 each depend from patentable independent claim 1. For at least this reason and without acquiescing in the Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over Harris. Accordingly, Applicants respectfully request that these rejections be withdrawn.

IV. Claims 1, 2, 6, 23, and 24 Are Patentable Over GB 957,294

Claims 1, 2, 6, 23, and 24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by GB 957,294. Applicants respectfully traverse this rejection.

As described above in Section III, claim 1 has been amended to recite that the claimed metering valve includes “a magnetic actuating mechanism which is actuatable to move the outlet valve poppet out of contact with the outlet valve seat.” GB 957,294 neither discloses nor suggests a metering valve that includes “a magnetic actuating mechanism which is actuatable to move the outlet valve poppet out of contact with the outlet valve seat” as recited in amended claim 1. For at least this reason, Applicants respectfully submit that claim 1 is patentable over GB 957,294. Claims 2, 6, 23, and 24 each depend from patentable independent claim 1. For at least this reason and without acquiescing in the Action’s rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over GB 957,294. Accordingly, Applicants respectfully request that these rejections be withdrawn.

V. Claims 1, 2, 5, 23, and 25 Are Patentable Over Martin

Claims 1, 2, 5, 23, and 25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,085,351 to Martin (Martin). Applicants respectfully traverse this rejection.

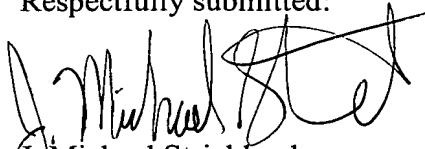
As described above in Section III, claim 1 has been amended to recite that the claimed metering valve includes “a magnetic actuating mechanism which is actuatable to move the outlet valve poppet out of contact with the outlet valve seat.” Martin neither discloses nor suggests a metering valve that includes “a magnetic actuating mechanism which is actuatable to move the outlet valve poppet out of contact with the outlet valve seat” as recited in amended claim 1. For at least this reason, Applicants respectfully submit that claim 1 is patentable over Martin. Claims 2, 5, 23, and 25 each depend from patentable independent claim 1. For at least this reason and without acquiescing in the Action’s rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable over Martin. Accordingly, Applicants respectfully request that these rejections be withdrawn.

VI. Conclusion

The concerns of the Examiner addressed in full, Applicants respectfully request the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance forthwith. Applicants encourage the Examiner to direct any

questions regarding this application to the undersigned, who may be contacted at
(919) 483-9024.

Respectfully submitted:



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